

**HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 249.3 and 2012 Iowa Acts, Senate File 2336, section 18, the Department of Human Services amends Chapter 51, "Eligibility," and Chapter 52, "Payment," Iowa Administrative Code.

The purpose of these amendments is to implement cost-of-living increases to several State Supplementary Assistance program categories in accordance with 20 CFR 416.2095 and 416.2096 and 2012 Iowa Acts, Senate File 2336, section 18, amending 2011 Iowa Acts, chapter 129, section 124, subsections 2 and 3.

Effective January 1, 2013, the Supplementary Security Income (SSI) benefit will be increased according to the increase in the consumer price index from October 1, 2011, through September 30, 2012. The Social Security Administration has announced that this increase will be 1.7 percent. In order to comply with the federal maintenance-of-effort or "pass-along" requirement in calendar year 2013 using the payment levels method of compliance, Iowa must increase the payment amounts and income limits for each State Supplementary Assistance category (except In-Home Health-Related Care (IHHRC) provider rates and the Supplement for Medicare and Medicaid Eligibles) effective January 1, 2013, to equal the minimum levels required by the federal government. The minimum levels are increased each time the SSI benefit is increased. Compliance with the maintenance-of-effort requirement for state supplements is a condition of eligibility for state participation in the federal Medicaid program. Also, the Iowa General Assembly has directed the Department to increase the personal needs allowance of clients in the residential care facility program by the same percentage and at the same time as the SSI cost-of-living increase.

The Council on Human Services adopted these amendments on November 14, 2012.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary and impracticable. These amendments increase payment amounts and income limits under the State Supplementary Assistance program in accordance with cost-of-living increases in SSI benefits to meet federal pass-along requirements and state statutory requirements passed by the Iowa General Assembly. In addition, the recent announcement of SSI cost-of-living increases, effective January 1, 2013, does not allow time for notice and public comment before the amendments must become effective.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective January 1, 2013. These amendments confer a benefit on the public and are in compliance with 2012 Iowa Acts, Senate File 2336, section 18, amending 2011 Iowa Acts, chapter 129, section 124, subsections 2 and 3.

These amendments are also published herein under Notice of Intended Action as **ARC 0488C** to allow for public comment.

These amendments do not provide for waivers in specified situations since the increases are required by federal and state law.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249.3 and 2012 Iowa Acts, Senate File 2336, section 18, amending 2011 Iowa Acts, chapter 129, section 124, subsections 2 and 3.

These amendments will become effective January 1, 2013.

The following amendments are adopted.

ITEM 1. Amend subrule 51.4(1) as follows:

**51.4(1) Income.** Income of a dependent relative shall be less than ~~\$357~~ \$364. When the dependent's income is from earnings, an exemption of \$65 shall be allowed to cover work expense.

ITEM 2. Amend rule 441—51.7(249) as follows:

**441—51.7(249) Income from providing room and board.** In determining profit from furnishing room and board or providing family life home care, ~~\$357~~ \$364 per month shall be deducted to cover the cost, and the remaining amount treated as earned income.

This rule is intended to implement Iowa Code sections 249.3 and 249.4.

ITEM 3. Amend subrule 52.1(1) as follows:

**52.1(1) Protective living arrangement.** The following assistance standards have been established for state supplementary assistance for persons living in a family life home certified under rules in 441—Chapter 111.

<del>\$765</del> <u>\$774</u>	Care allowance
<del>\$-95</del> <u>\$98</u>	Personal allowance
<del>\$860</del> <u>\$872</u>	Total

ITEM 4. Amend subrule 52.1(2) as follows:

**52.1(2) Dependent relative.** The following assistance standards have been established for state supplementary assistance for dependent relatives residing in a recipient's home.

a. Aged or disabled client and a dependent relative . . . . .	<del>\$1,055</del> <u>\$1,074</u>
b. Aged or disabled client, eligible spouse, and a dependent relative . . . . .	<del>\$1,405</del> <u>\$1,430</u>
c. Blind client and a dependent relative . . . . .	<del>\$1,077</del> <u>\$1,096</u>
d. Blind client, aged or disabled spouse, and a dependent relative . . . . .	<del>\$1,427</del> <u>\$1,452</u>
e. Blind client, blind spouse, and a dependent relative . . . . .	<del>\$1,449</del> <u>\$1,474</u>

ITEM 5. Amend subrule 52.1(3) as follows:

**52.1(3) Residential care.** Payment to a recipient in a residential care facility shall be made on a flat per diem rate of \$17.86 or on a cost-related reimbursement system with a maximum per diem rate of ~~\$28.92~~ \$29.30. The department shall establish a cost-related per diem rate for each facility choosing this method of payment according to rule 441—54.3(249).

The facility shall accept the per diem rate established by the department for state supplementary assistance recipients as payment in full from the recipient and make no additional charges to the recipient.

a. All income of a recipient as described in this subrule after the disregards described in this subrule shall be applied to meet the cost of care before payment is made through the state supplementary assistance program.

Income applied to meet the cost of care shall be the income considered available to the resident pursuant to supplemental security income (SSI) policy plus the SSI benefit less the following monthly disregards applied in the order specified:

- (1) No change.
- (2) An allowance of ~~\$95~~ \$98 to meet personal expenses and Medicaid copayment expenses.
- (3) to (6) No change.
- b. to g. No change.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/12/12.